

Zoning Board of Appeals Meeting

William and Sam Kraus, 13468 Irving St. SBL #108.20-9-6

October 4, 2016

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 pm.

Present: Michael DeWitt, Stephanie Bea Pautler, Brian Schumacher, Charlie Gaffney, Tom Kirszenstein, Chris Trapp, Joe Czechowski, Tom Rimbeck, Shannon Mc Nichol, Annette Kohl, Bill and Sam Kraus, Roger Neeland, Wendy and Steve Schlaubach, Ralph and Nancy Witt, Leeza Brown, Debbie Gadd, Charlie Chauncey and Bruce Merle.

The purpose of this public hearing: There are two variances being addressed at this meeting.

#1) to an accessory structure to be erected with a building height of 20'4", which would be in contravention of 210-16E (1) (b) of the Code of the Village of Alden. Accessory structure cannot be more than 15' in height.

#2) to allow an accessory structure to have vehicular entrance headroom of 14', which would be in contravention of 210-27C (3) (b) of the Code of the village of Alden. Specifically, that the vehicular entrance headroom of an accessory structure cannot be more than 10'

At this point Chairman DeWitt opened the Public Hearing to the audience.

William Kraus addressed the board and audience. Kraus explained he came before this board in June for the height of the pole barn, and there were no issues. He needs the exaggerated height to accommodate his RV, which was a large expense and would like to keep out of weather. CEO Czechowski informed the board that it has been submitted to the county and they came back with no comment.

The main concern from the neighbors in attendance, was that a lot of commercial traffic would be going up and down Irving St. and Lindan Ave. If not now, what will prevent it in 5 yrs.? Kraus explained this will be his residence and the business is currently and will remain on County Line Rd. The trailer and excavator are his personal property. The CEO will also enforce the proper zoning. Zoned R-O, and the surrounding streets are zoned R-1, residential single family. Both Brown and Witt confirmed they are the closest neighbors and cannot see the structure.

MOTION by Charlie Gaffney, seconded by Tom Kirszenstein to close the Public Hearing. Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for the building height of 20'4" as opposed to 15'.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, a lot of acreage and no one can see it. Chairman DeWitt, was concerned it will open it up to commercial traffic, so Attorney Trapp suggested appropriate wording in the motion.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No.**
3. Whether the requested area variance is substantial? **Yes, large difference in regulation height.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the granting of the area variance? **Yes.**
6. Whether it will create a hazard to health, safety or general welfare? **No.**

4 no's and 2 yes's.

MOTION by Charlie Gaffney and seconded by Stephanie Pautler Bea, to grant the requested variance under the condition that the excavator, tractor or other vehicles entering and exiting do not lead to commercial business traffic. All four members voted for approval, Chairman DeWitt voted disapproval. Carried. 6:27 pm.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for the height of the door to be 14' as opposed to 10' according to code.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No, what is needed to accommodate equipment.**
3. Whether the requested area variance is substantial? **No.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the granting of the area variance? **Yes.**
6. Whether it will create a hazard to health, safety or general welfare? **No.**

5 no's, 1 yes.

MOTION by Stephan Pautler Bea and seconded by Brian Schumacher, to grant the requested variance. All four members voted for approval, Chairman DeWitt voted disapproval. Carried.
6:43 pm.

MOTION by Tom Kirszenstein and seconded by Stephanie Pautler Bea to adjourn the meeting at 6:44 pm, Unanimous, Carried.

Respectfully submitted,

Sue Galbraith, ZBA Secretary